

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

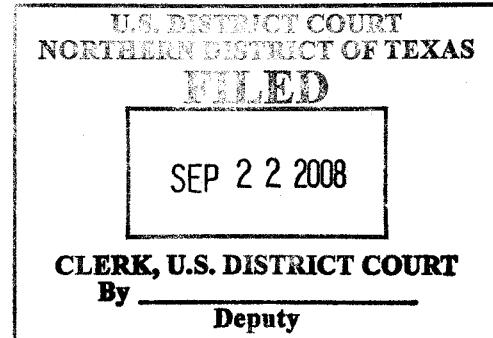
MICHELLE NEMOED, as next friend of  
Deryn Tuz and Madison Tuz, and  
ATOYIA CLARK, as next friend of  
Randall Tuz and Damian Horn, as  
Substitute parties for  
DARREN JASON TUZ, Deceased,

Plaintiffs,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.



2:05-CV-0129

**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**REVERSING THE DECISION OF THE COMMISSIONER,**  
**and REMANDING FOR FURTHER ADMINISTRATIVE ACTION**

Came for consideration plaintiffs' appeal of the decision of the Commissioner of Social Security denying plaintiffs disability benefits. The United States Magistrate Judge entered a Report and Recommendation on September 8, 2008, recommending therein that the decision of the Commissioner be reversed and the case remanded to the Commissioner for further administrative action. No objections to the Report and Recommendation have been filed, although defendant, on September 19, 2008, gave notice that he does not object to the decision made in the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case. The Report and Recommendation of the United States Magistrate Judge

is hereby ADOPTED. Accordingly, the Commissioner's administrative decision finding plaintiff not disabled is REVERSED, and the decision is REMANDED to the Commissioner for further administrative proceedings consistent with the Report and Recommendation of the Magistrate Judge, including but not limited to all action specified and recommended to be taken on remand.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

ENTERED this 28<sup>th</sup> day of September 2008.



MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE